

January 14, 2021

VIA ECF

The Honorable Jesse M. Furman
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *City of Providence, Rhode Island v. BATS Global Markets, Inc.*,
No. 14-cv-2811-JMF—**Objection to Request for Reply (Dkt. No. 506)**

Dear Judge Furman:

Defendants object to Plaintiffs' request for leave to file a reply in further support of their motion to quash Rule 30(b)(6) subpoenas issued by Defendants (Dkt. No. 506).

Plaintiffs fail to disclose the procedural background to their request. After the close of business on January 5, 2021, less than two days before written responses and objections were due, Lead Counsel asked to meet and confer about the subpoenas and requested that Defendants extend “the deadline to respond” to January 14, 2021. Defendants agreed to both requests in less than four hours.

The parties met and conferred on January 7, 2021. During that conference, Defendants explained what precipitated the subpoenas and why they are necessary (including with specific discussions of Plaintiffs' Rule 30(b)(6) depositions and document productions that the Letter makes no mention of but which Defendants' opposition, Dkt. No. 505, discusses in detail). Despite having been informed of the bases for the subpoenas, Plaintiffs chose to submit a generic letter rather than address what they knew Defendants would say in opposition. Plaintiffs' generic opening letter is part of Plaintiffs' pattern of seeking to file reply letters on discovery disputes they raise (*e.g.*, ECF 464, 488).

Defendants respectfully submit that the Court should deny Plaintiffs' motion on the papers contemplated by the Court's Individual Practices without additional briefing. If the Court instead allows Plaintiffs to file a reply, Defendants respectfully request leave to file a sur-reply of equal length and request that the Court hear argument on Plaintiff's motion.

Respectfully submitted,

By: /s/ Douglas W. Henkin

Douglas W. Henkin
Justine N. Margolis
Kiran Patel
DENTONS US LLP
1221 Avenue of the Americas
New York, NY 10020
Telephone: 212/768-6832
212/768-6800 (fax)

Counsel for *New York Stock Exchange LLC, NYSE Arca Inc., and Chicago Stock Exchange, Inc.*

By: /s/ Steven M. Shepard

Steven M. Shepard
SUSMAN GODFREY L.L.P.
1301 Ave. of the Americas, Fl. 32
New York, NY 10019
Tel: 212-729-2010
sshepard@susmangodfrey.com

Robert F. Serio
Justine Goeke
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
Telephone: 212/351-3917
212/351-5246 (fax)

Counsel for *The Nasdaq Stock Market LLC and Nasdaq OMX BX, Inc.*

By: /s/ Paul E. Greenwalt

Paul E. Greenwalt III
Michael Molzberger
SCHIFF HARDIN LLP
233 South Wacker Drive, Suite 6600
Chicago, IL 60606
Telephone: 312/258-5702
312/258-5600 (fax)

Counsel for *BATS Global Markets, Inc. (n/k/a Cboe Bats, LLC) and Direct Edge ECN, LLC*

cc: All Counsel of Record via ECF